

#### REMARKS

1. Reconsideration and further prosecution of the above-identified application are respectfully requested in view of the amendments and discussion that follows. Claims 1-10 are pending in this application. The Examiner has objected to the priority claim and the Information Disclosure Statement of 3/11/02. The drawings have been objected to. The specification has been objected to. Claims 1-2 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,912,092 to Maruyama et al., as evidenced by U.S. Patent No. 5,705,292 to Yukita et al. After a careful review of the claims, it has been concluded that the rejection of the claims (as amended) are in error and the rejections are therefore traversed.

2. The Examiner has objected to the priority claim and the Information Disclosure Statement of 3/11/02. In response, a priority claim to the parent PCT patent application and U.S. provisional patent application has been added to the specification. In addition, a copy of WO 92/03853 is included with this Response.

3. The drawings have been objected to. In response, the specification and drawings have been corrected. Marked-up FIGs. 4 and 5 are enclosed.

4. The specification has been objected to. In response, the specification has been amended to include an Abstract.

5. Claims 1-2 have been rejected as being anticipated by Maruyama et al. as evidenced by Yukita et al. In response, claim 1 has been further limited to "A battery . . . in which the container and housing substantially enclose the electrochemical cell". In contrast, the protective member 16 of Maruyama et al. merely enclosed the electronic circuit device 30.

Further, the claimed invention has functionality that is not provided by the Maruyama et al. For example, a person of skill in the art would recognize that the Maruyama et al. battery (because of its square shape and side protrusion) is a special purpose battery limited to custom-designed applications, whereas the claimed invention is directed to consumer batteries that are interchangeable with conventional batteries.

Since Maruyama et al. electrochemical cell is not substantially enclosed by a container and housing and cannot be used in place of conventional batteries, Maruyama et al. does not do exactly the same thing in exactly the same way. Since Maruyama et al. does not do exactly the same thing in exactly the same way, the rejection is believed to be improper and should be withdrawn.

6. Allowance of claims 1-10, as now presented, is believed to be in order and such action is earnestly solicited. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,  
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